

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
15 Van Dyke Associates, LLC)	File No. EB-FIELDNER-13-00011304
Owner of Antenna Structure No. 1062421)	
New Brunswick, New Jersey)	NOV No. V201332380008
)	

NOTICE OF VIOLATION

Released: September 19, 2013

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to 15 Van Dyke Associates, LLC (15 Van Dyke), owner of antenna structure number 1062421, located in New Brunswick, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On August 13, 2013, agents of the Enforcement Bureau's New York Office inspected antenna structure number 1062421 located at 15 Van Dyke Avenue, Brunswick, New Jersey at the coordinates 40° 28' 45" North (Latitude) and 074° 28' 29" West (Longitude) and observed the following violation:

47 C.F.R. S: 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." Antenna structure number 1062421 is assigned painting and lighting specifications in accordance with FAA Circular Number 70/7460-1J, FAA Chapters 4, 8, 13. Chapter 4 specifies red lights for nighttime and medium intensity flashing white lights for daytime and twilight. At the time of inspection, the antenna structure had red obstruction lighting for both daytime and nighttime; there was no medium intensity flashing white lighting for daytime.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, 15 Van Dyke must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct 15 Van Dyke to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of 15 Van Dyke with personal knowledge of the representations provided in 15 Van Dyke's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

6. This Notice shall be sent to 15 Van Dyke Associates, LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Stephen Maguire
District Director
New York Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).